

**TOWN OF DARIEN  
BOARD OF SELECTMEN  
MAY 5, 2014**

ATTENDANCE: First Selectman Jayme Stevenson; Christopher (Kip) Hall, Susan Marks, Gerald Nielsen, E. Reilly Tierney.

STAFF: Karl Kilduff, Administrative Officer.

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:25 p.m.

PRESENTATION by Eagle Scout-Candidate Alex Molwitz

Alex Molwitz provided a power point presentation of his project to replace bicycle racks throughout the Town. He provided diagrams of where the racks are in need of repair and replacement in Town parks and showed photographs of the improvements. First Selectman Stevenson thanked Alex for the presentation and for the hard work that he has been doing for the bicycle rack replacements. She added that she is very much in favor of this project, that it is not an easy endeavor, and she is pleased to support this as both a functional service and beautification effort.

FIRST SELECTMAN'S REPORT First Selectman Stevenson read her report, as follows:

Congratulations to Representative Terrie Wood for receiving the Connecticut Council of Family Service Agencies "Family Legislator of the Year" Award. Terrie's dedication to Human and Family Services both locally and around the state is a model for us all. You may remember that Terrie was selected and served with leadership and compassion as co-chair of the Mental Health sub committee of the Governor's task force on gun violence. Terrie has been a mental healthcare advocate and is responsible for bringing the mental health first aid course to Darien, Hartford and other communities. Terrie, on behalf of the Board of Selectmen and the Town of Darien, congratulations on this important recognition.

Congressman Himes addressed SWRPA Chief Elected Officials at our last meeting to express his support for federal funds to support an Army Corp of Engineers watershed study for Fairfield and New Haven Counties. The study is needed to inform future flood mitigation strategies for flood-vulnerable areas along the rivers in our region. Mr. Himes is cautiously optimistic that we will receive feasibility study dollars but cannot promise future funding for the study itself. This has been a priority project for the SWRPA MPO since joining in 2011.

The Town of Darien has received final STEAP grant approval for the dredging and dam reconstruction on Upper Gorham's Pond. A test of the Total Clean System will be the first step before the project can begin.

EMS Review Committee update - I did not recommend to this Board that the EMS Review Committee continue their activities. Several members of the committee resigned in late fall. I believe the residents and taxpayers of Darien deserve an independent review of our EMS system to insure best practices are being followed and am exploring different possibilities to achieve this goal. Currently CCM has undertaken, on our behalf, a study of other CT municipalities to help determine best-practice approaches to EMS review.

## ADMINISTRATIVE OFFICER'S REPORT

Mr. Kilduff gave his report and stated regarding the grant as mentioned for Upper Gorham's Pond, signed grant agreements from Hartford are being processed. He described the test of the Total Clean System and the process that the collection of road sand materials stick to the containment system, and this coincides with the need for replacement of beach sand.

Mr. Kilduff announced that they will be working on a Cellular tower at Ox Ridge and there is an information session with the Conference of Municipalities on May 22 at 7:30. He stated that there will be public notice in the local newspapers and a letter to residents within 100 feet to inform them of project. He stated that this not a local Planning and Zoning issue but a decision by the CT Siting Council with a formal application process with public comment. He noted that the preliminary scope will be a 124 ft. tower and the plan is to have it hidden within a silo. He added that there is no local jurisdiction.

## PUBLIC COMMENT

Vicky Ricardo, read her statement and provided it for the record, with excerpts as follows:

Two weeks ago, we learned that the Shuffle's financial picture is now \$500,000 over budget. Without a way to unwind the projects, Darien is stuck with this over-sized overrun. The Town would not have had to pay for the 35 Leroy gas line if the BOE had not moved its HQ to 35 Leroy. The gas line was an expected Shuffle- related expense from the early planning stages, as it made sense to switch from fuel oil to natural gas to heat the building. Accordingly, the appropriation should have reflected the \$130,000 needed to pay for it. Instead, when the installation was imminent, a majority of this Board and the BOF tapped an infrastructure account.... Deed restrictions impede re-developing the Edgerton site as proposed ...estimated that demolition could cost \$300,000. The state reimbursement does not negate the fact that the Shuffle has exceeded its budget...the 2010 estimate to complete the Shuffle was \$4.5 million. The 2011 appropriation was \$6.9 million. The 2014 overrun is \$500,000 and the Shuffle- related expenses I've mentioned total \$730,000. Add in the \$4.2 million to purchase 35 Leroy — which is the basis for the expected State reimbursement, so can no longer be ignored as Shuffle-related -- and the actual expenditure to complete the Shuffle is ... \$12.33 million  
Further, the State reimbursement may, or may not, be \$600,000 as currently estimated.

Regarding your minutes policy... you are no longer posting links to meeting videos. ...when the Selectmen adopted the "action minutes" format in 2011, easy access to TV79 videos of your meetings was a justification for using the new format. The minutes for the meetings in January and March 2011 do not reflect the full discussion about video access as I remembered it. ...links were definitely part of the action minutes plan... for November 25, 2013 when Mrs. Stevenson did not mention videos, and video links are not on the website...leading an open and transparent government, hope you will resume posting links to videos of your meetings as soon as possible...with TV79's help, you will add the ones that are missing from 2011 through 2014.

First Selectman Stevenson replied that it is Channel 79 responsibility for posting the video links and noted that video posting is not a regulation or formal policy. She added that the Board was asked to hold the decision on the Edgerton disposition until a facility needs assessment as this property will play a key role in the process. She added that ideas on the repurpose has no specific decision priority providing it is secure and not a public nuisance. She stated that this is not an action item at this time for this Board.

## NEW BUSINESS

Discuss and Take Action on a Resolution Authorizing Acceptance of a Gift Worth \$4,000,000 to the Darien Board of Education from the Darien Athletic Foundation for Artificial Turf Fields at the Darien High School and Referral of Same to the RTM

Mr. Peter Graham, from the Darien Athletic Foundation provided an overview of the scope of the project, supporting documentation of the Master Plan, site plan amendment , EPC approval, including the following letter to the Darien Public Schools:

In a presentation to the Board of Education on October 8, 2013, the Darien Athletic Foundation (DAF) provided an overview of a contemplated gift to turf three existing fields (Stadium East, Oval Upper, Stadium Northeast and create a junior varsity softball stadium (Oval Lower) at Darien High School. Attached please find a summary of the approval process followed by DAF since that meeting, including passage of the project by the Planning and Zoning Commission on April 8, 2014. Findings related to high school traffic and field utilization and allocation were reviewed as part of the Planning and Zoning approval process.

The scope of the project is Title IX compliant which will benefit the Darien High School interscholastic athletic program as described below:

- Accommodate a range of Darien High School interscholastic athletic programs, including field hockey, boys and girls soccer, football, boys and girls lacrosse, softball, and baseball
- Provide opportunity to maximize student participation in field hockey, boys and girls soccer, football, boys and girls lacrosse, softball, and baseball programs.
- Provide opportunity for expansion of program offerings (e.g. intramurals)
- Provide teams with opportunity for dedicated space for practice as opposed to sharing field space
- Provide greater flexibility in assigning and scheduling team practices, including the ability to conduct the vast majority of practices on the high school site
- Provide opportunities to conduct more contests on the high school site instead of alternate sites, including Middlesex and Royle
- Provide inclement weather practice/contest scheduling options at times when gross fields are closed

This project will also benefit Darien youth athletic programs by allowing for greater flexibility in field assignments. Please note that field utilization and allocation will remain under the control of the Darien High School Athletic Director.

Mr. Nielsen asked when they will be in a position to pull the trigger, and Mr. Graham replied that with over 100 donors there is over \$1 million in the bank. He added that with the next levels of contributions, they will be in a position to begin in this summer with the next phases covered in the endowment.

First Selectman and the Board members complimented the Foundation and Committee members for the tremendous amount on work being done on this project.

**\*\* MR. NIELSEN MOVED TO ADOPT THE RESOLUTION AS FOLLOWS:**

**RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT WORTH \$4,000,000 TO THE DARIEN BOARD OF EDUCATION FROM THE DARIEN ATHLETIC FOUNDATION FOR ARTIFICIAL TURF FIELDS AT THE DARIEN HIGH SCHOOL AND REFERRAL OF SAME TO THE RTM.**

**WHEREAS, pursuant to Section 2-33 of the Code of the Town of Darien, the Board of Selectmen is empowered on behalf of the Town of Darien to accept gifts, provided gifts do not have a value in excess of Ten Thousand and 00/100 Dollars (\$10000.00); and**  
**WHEREAS, pursuant to Section 2-33a of the Code of the Town of Darien, said gifts in excess of Ten Thousand and 00/100 Dollars (\$10,000.00) may be accepted with action by the Representative Town Meeting of the Town of Darien; and**  
**WHEREAS, the Darien Board of Education has moved to accept a gift from the Darien Athletic Foundation which would provide for artificial turf fields at Darien High School; and**  
**WHEREAS, the Board of Selectmen wishes to have this gift accepted.**  
**NOW, THEREFORE BE IT RESOLVED that the Board of Selectmen of the Town of Darien hereby authorizes the acceptance of this gift and directs that this resolution be forwarded to the Representative Town Meeting for its consideration and approval.**

**\*\* MS. MARKS SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action on Granting Permission for the 35th Annual Darien Road Race to be held on September 14, 2014 starting from Pear Tree Point Beach.

First Selectman Stevenson reviewed the supporting document and stated that the 35th running of the Darien Road Race this year is on Sunday, September 14, 2014. This event benefits The Community Fund of Darien, and the more than 25 non-profit agencies and has raised nearly a million dollars for local human services and cancer organizations. She stated that she is pleased to recommend approval and continuing this tradition.

**\*\* MR. NIELSEN MOVED TO APPROVE THE FOLLOWING:**  
**THE BOARD OF SELECTMEN OF THE TOWN OF DARIEN HEREBY GRANTS PERMISSION FOR THE 35ANNUAL DARIEN ROAD RACE TO BE HELD ON SUNDAY, SEPTEMBER 14, 2014 STARTING AT PEAR TREE POINT BEACH. SUBJECT TO THE REQUIREMENTS OF THE DARIEN POLICE DEPARTMENT AND THE PARKS & RECREATION DEPARTMENT.**

**\*\* MS. MARKS SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Discuss and Take Action:

Resolution Appropriating Sixty Million Dollars (\$60,000,000) to Refund Certain of the Town's Outstanding Bonds and Authorizing the Issuance of Refunding Bonds to Finance Such Appropriation

First Selectman noted that this was a procedural item every year to enable the refinance of debt. There was a discussion about rates and Mr. Kilduff noted that current rates are very low.

**\*\* MR. NIELSEN MOVED TO ADOPT THE FOLLOWING AS PRESENTED:**

**RESOLUTION APPROPRIATING SIXTY MILLION DOLLARS (\$60,000,000) TO REFUND CERTAIN OF THE TOWN'S OUTSTANDING BONDS AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS TO FINANCE SUCH APPROPRIATION**

**\*\* MR. HALL SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**RESOLVED: Section 1. The sum of SIXTY MILLION DOLLARS (\$60,000,000) is appropriated to fund the redemption and the payment in whole or in part, as determined by the First Selectman, the Town Treasurer, the Board of Finance or any Town official designated by the Board of Finance and the Finance Director of the Town of Darien (the "Town"), of the outstanding principal, accrued interest and any call premium on all or any portion of any issue of the Town's General Obligation Bonds including, but not limited to, the Town's General Obligation Bonds issued in 1999, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014 (the "Prior Bonds"), together with the costs of issuance including, but not limited to any applicable consultants' fees, legal fees, trustee and escrow agent fees, investment fees, verification fees, underwriters' fees and other financing or transactional costs and other expenses related to the payment or redemption of such bonds for the purposes of refunding them.**

**Section 2. The Town is hereby authorized to issue its refunding bonds, in an amount not to exceed SIXTY MILLION DOLLARS (\$60,000,000) (the "Refunding Bonds"), to fund the appropriation authorized by Section 1 of this resolution, provided that the issuance of such Refunding Bonds achieves present value debt service savings for the Town. The Refunding Bonds shall be issued pursuant to Section 7-370c of the Connecticut General Statutes as amended, and any other provision of law thereto enabling. The Refunding Bonds shall be general obligations of the Town secured by the irrevocable pledge of the full faith and credit of the Town.**

**Section 3. The First Selectman and the Town Treasurer shall sign the Refunding Bonds by either manual or facsimile signatures and the law firm designated as bond counsel is authorized to approve the legality**

**Section 4. The First Selectman, the Town Treasurer, the Board of Finance or any Town official designated by the Board of Finance and the Finance Director, or any three of them, are authorized to determine which of the Prior Bonds are to be redeemed and the amount, date interest rates and interest mode, maturities, redemption provisions, form and other details of the Refunding Bonds: to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the Refunding Bonds and escrow agent with respect to the refunding escrow or escrows to be funded with proceeds of the Refunding Bonds: to provide for the keeping of a record of the Refunding Bonds: to sell the Refunding Bonds at public or private sale: to deliver the Refunding Bonds; and to perform all other acts which are necessary or appropriate to issue.**

**Section 5. The First Selectman and the Town Treasurer are authorized to call irrevocably for redemption such of the maturities of the Prior Bonds, as they shall determine to refund from the proceeds of the Refunding Bonds and other moneys as they may determine to make available for this purpose and to debase such Prior Bonds by executing and delivering an escrow agreement in such form and upon such terms as they shall approve, such approval to be conclusively evidenced by their execution thereof.**

**Section 6. The First Selectman, the Town Treasurer and the Finance Director, or any two of them, are authorized to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the Refunding Bonds authorized by this resolution, if issued on a tax- exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.**

**Section 7. The First Selectman, the Town Treasurer and the Finance Director, or any one of them, are authorized to make representations and enter into written agreements for the benefit of holders of the Refunding Bonds to provide secondary market disclosure information, which agreements may include such terms as she or he deems advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such Refunding Bonds.**

**Section 8. The First Selectman and the Town Treasurer are authorized to take all other action which is necessary or desirable to enable the Town to effectuate the refunding of all or a portion of the Prior Bonds and to issue Refunding Bonds authorized hereby for such purposes including, but not limited to, the entrance into agreements on behalf of the Town with underwriters, trustees, escrow agents and others to facilitate the issuance of the Refunding Bonds, the escrow of the proceeds thereof and investment earnings thereon and the payment of the Prior Bonds in whole or in part.**

**Section 9. Any authorized but unissued portions of previous refunding authorizations are rescinded.**

**Discuss and Take Action on**

## Possible Ordinance Approving the Formation of a Regional Council of Governments

First Selectman Stevenson provided an overview and summary as follows:

### Regional Consolidation and Designation from RPA to COG Public Act 13-247

The M.O.R.E. Commission (2010) has studied and made recommendations to lawmakers regarding regional planning organizations. Several of the commission's recommendations were adopted through PA 13-247. Currently, there are 14 regional planning organizations in CT. OPM has suggested this number be reduced to 8. On or before 1/1/14, OPM must conduct an analysis of logical regional planning areas based on economic development regions and strategies, labor markets, natural boundaries, municipal relationships, census and demographics, political boundaries, transit corridors, current federal, state and municipal service delivery regions and capacity of each region to deliver diverse state and local services. Such analysis will establish a minimum size for logical planning areas (15 +) that considers numbers of municipalities, population and geographic size of the region. OPM study was completed on 10/1/13.

Any 2 regions that voluntarily merge prior to 1/1/14 may be exempt from OPM re designation and will receive an incentive payment (\$125,000 per sub-region for a FY 14 and 15). Each new region whose members voluntarily merge will receive, subject to state budget approval, \$125,000 per region +50 cents per capita annually beginning in FY 2015. Currently, SWRPA receives \$13,300 from the state for regional planning activities. It is important to note that the newly designated COGs have not been granted taxing authority at this time.

All regional entities must become Regional Councils of Governments by 1/1/15. COGs, by this legislation, are authorized to administer and provide services to their region which may include:

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|-------------------------------|--|
| 1. Engineering                | 14. <b>Housing</b>                       |
| 2. Inspections and Planning   | 15. Computerized Mapping                 |
| 3. Economic Development       | 16. Household Hazardous Waste Collection |
| 4. Public Safety              | 17. Recycling                            |
| 5. Emergency Management       | 18. Public Facility Siting               |
| 6. Animal Control             | 19. Coordination and Master Planning     |
| <b>7. Land Use Management</b> | 20. Vocational Training and Development  |
| 8. Tourism Promotion          | 21. Solid Waste Disposal                 |
| 9. Social                     | 22. Fire Protection                      |
| 10. Health                    | 23. Regional Resource Protection         |
| <b>11. Education</b>          | 24. Regional Impact Studies              |
| 12. Data Management           | 25. Transportation                       |
| <b>13. Regional Sewerage</b>  |  |
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### Current Status of Regional Consolidation for SWRPA

SWRPA petitioned OPM in 9/13 to authorize the voluntary consolidation of SWRPA and HVCEO. The merger was approved by OPM on 12/6/13 satisfying the state deadline for voluntary merger thus allowing SWRPA and HVCEO to receive the funding incentives.

Westport, Weston and Greenwich have passed ordinances allowing for their participation in the new Western CT COG. New Canaan, Norwalk, Wilton and Stamford are all in various stages of ratification with target ordinance adoption between 6/14 and 12/14. The status of ordinance adoptions in the HVCEO is unknown at the time of this memo. A subcommittee of members from SWRPA and HVCEO are working on organization by laws, personnel manuals, service delivery analysis and facilities planning.

### Metropolitan Planning Organizations

MPO's were created with the Highway Act of 1962. MPO's are federally mandated and funded transportation policy making organizations. SWRPA, HVCEO and 4 other CT regions made up the Tri-State MPO from 1962-1982 when the region was divided into smaller entities. SWRPA is currently a standalone MPO serving our 8 member municipalities. There are currently 11 MPO's in CT. Re-designation could result in 5 or fewer MPO's. PA 13-247 also calls for CT DOT to review and potentially re designate MPOs within the state. MPG re designation by the CT Department of Transportation is pending. Chief Elected Officials are the municipal representatives to the MPO.

Ms. Laurie Williamson and Jeremy Ginsburg fielded questions and comments from the Board members. They spoke about areas of coordination to include grants, Five Mile River Watershed Study, Safe Routes to Schools, and transportation initiatives, Transit-Oriented Development, Emergency Needs Assessment and resources for the community in response to weather related emergency response enhancement. It was noted that detailed information is on the M.O.R.E. Commission website.

There was further discussion, and First Selectman Stevenson provided rationale in support of the recommendation to approve entering into this new COG. She stated that there are inherent risks to chose to step aside and not participate, and it is in the best interests of the Town to join and take advantage of the funding incentives and to maintain an active voice in the process. She noted that the League of Women Voters is holding a forum on regionalization on June 3 that will include representatives from SWRPA and those involved with crafting the legislation. She encourages all to attend for more information and noted that referral to the RTM should be done after the forum takes place.

Mr. Frank Kemp, of the TGS&A Committee of the RTM requested copies of the draft and asked that the language be modified into the format for section 54 of Town Ordinances. First Selectman Stevenson noted that Wayne Fox is currently working on this.

**\*\* MR. NIELSEN MOVED TO APPROVE THE FOLLOWING DRAFT ORDINANCE AND REFER ON TO THE RTM FOR ADOPTION:**

- 1. The Town of Darien hereby adopts Connecticut General Statutes §4-124i through 4-124p, as amended, providing for the formation of a Regional Council of Governments, and does hereby join such Regional Council of Governments when as such council is duly established in accordance with said statutes. Said Council shall be established upon the adoption of said statutes by not less than sixty (60%) percent of all municipalities within the Town's planning region as defined or redefined by the Secretary of the Office of Police and Management or his designee, and upon certification by the Secretary or his designee that a Regional Council of Governments has been duly established.**
- 2. The First Selectman shall represent the Town of Darien on the Regional Council of Governments. In addition, the Board of Selectmen shall appoint one of its members as an alternate representative to the Regional Council of Governments. The alternate shall term of two (2) years or for the balance of the term of their elected office,**

**\*\* MR. HALL SECONDED THE MOTION.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

## AGENDA REVIEW

First Selectman Stevenson noted that agenda items can be sent by e-mail.

## Approval of Minutes

### Regular Meeting of April 21, 2014

Page 1, paragraph 3, point 3: 72% should be \$70,000

- \*\* MR. HALL MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 7, 2014 AS AMENDED WITH CORRECTION NOTED.**
- \*\* MR. NIELSEN SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY.**

## APPOINTMENTS/RE-APPOINTMENTS

Consider and take action on the following appointments:

- a.) Michael Anne Chiodo to the Beautification Commission for a 3-year term beginning on December 1, 2013 and expiring on November 30, 2016.
- b.) Annie Sullivan to the Beautification Commission for a 3-year term beginning on December 1, 2011 and expiring on November 30, 2014.

First Selectman Stevenson noted the recommendation is to waive interviews and to approve the appointments as presented.

- \*\* MR. NIELSEN MOVED TO ACCEPT THE ABOVE APPOINTMENTS AS PRESENTED.**
- \*\* MR. HALL SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY**

## FORTHCOMING MEETINGS

May 6, 2014	Planning & Zoning Commission Regular Meeting at 8:00 PM
May 12, 2014	Representative Town Meeting at 8:00 PM
May 13, 2014	Board of Education Regular Meeting at 7:30 PM
May 13, 2014	Planning & Zoning Commission Regular Meeting at 8:00 PM
May 19, 2014	Board of Selectmen Regular Meeting at 7:00 PM

There was no other business.

## Adjournment

- \*\* MR. NIELSEN MOVED TO ADJOURN THE MEETING.**
- \*\* MR. HALL SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Marilyn Knox,

Telesco Secretarial Services

Town of Darien

Board of Selectmen

May 5, 2014

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